

## Message Text

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PAGE 01 LUSAKA 00439 150809Z

15

ACTION AF-18

INFO OCT-01 ISO-00 L-03 SCS-03 RSC-01 DRC-01 H-03 /030 W

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P 150737Z MAR 74

FM AMEMBASSY LUSAKA

TO SECSTATE WASHDC PRIORITY 9879

C O N F I D E N T I A L LUSAKA 0439

EO 11652: GDS

TAGS: CPRS, ZA

SUBJECT: CROTHERS CASE

REF: LUSAKA 418, STATE 47969

1. AT SECOND NEGOTIATING SESSION MARCH 14, GRZ TABLED OFFICIAL OFFER "NOT TO EXCEED 10,000 DOLLARS" AS REASONABLE EX GRATIA PAYMENT TO CROTHERS. WE ASKED IF FIGURE ADJUSTABLE IN RELATION TO ADDITIONAL INFORMATION AND EVIDENCE WHICH CROTHERS MIGHT ADVANCE TO STRENGTHEN THEIR CASE. KRISHNADASAN DESCRIBED OFFER OFFICIALLY AS "ONCE AND FOR ALL" PAYMENT WHICH GRZ DID NOT RPT NOT WANT TO RELATE TO SPECIFIC EVIDENCE, UNLESS EXTRAORDINARY CIRCUMSTANCES DEVELOPED.

2. GRZ AGAIN MADE POINT THAT 10,000 DOLLARS WAS NOT INTENDED AS COMPENSATION AND IMPLIED IT COULD NOT BE COMPARED TO AMOUNTS PAID IN CANADIAN CASE. THESE WERE DETERMINED ALMOST EXCLUSIVELY BY POLITICAL FUROR GENERATED IN CANADA, ALTHOUGH SETTLEMENT COVERED PAIN AND SUFFERING OF PARENTS. AMBASSADOR INDICATED CROTHERS WILL ALMOST CERTAINLY SAY 10,000 DOLLARS IS INSUFFICIENT. KRISHNADASAN ADMITTED THAT SUCH AMOUNT WOULD PROBABLY BE LOW RELATIVE TO COMPENSATION AWARDS OF COURTS. YET HE HOPED DEPT WOULD BE HELPFUL IN PERSUADING CROTHERS TO ACCEPT OFFER UNDER CIRCUMSTANCES QUITE DIFFERENT FROM CANADIAN CASE. AMBASSADOR SAID DEPT MADE SPECIAL EFFORT TO KEEP LID ON US DOMESTIC REACTION, ESPECIALLY IN RESPONSE TO CROTHERS'

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PAGE 02 LUSAKA 00439 150809Z

CONGRESSMAN WHEN HE TOOK INTEREST IN CASE.

3. ACKNOWLEDGING REACTION IN US WAS QUITE DIFFERENT FROM THAT IN CANADA, CONSUL REMAINED GRZ CROTHERS ARE LIVING WITNESSES OF WHAT HAPPENED AT VICTORIA FALLS AND IMPLIED THERE WAS POTENTIAL DANGER OF ADVERSE PUBLICITY IN PREDICTABLE CROTHERS' DISAPPOINTMENT WITH GRZ OFFER.

4. SOMEWHAT AMBIVALENTLY MOFA OFFICER TWICE ASKED US SIDE FOR "MORE INFORMATION." SAID WHEN AVAILABLE, NEXT MEETING WOULD BE CALLED.

5. NOTWITHSTANDING EARLIER GRZ INSISTENCE OFFER WOULD NOT BE ALTERED BY SUBMISSION OF FURTHER EVIDENCE, WE INTERPRET THIS TO MEAN GRZ WOULD NOT RPT NOT IGNORE ANY STATEMENT FROM CROTHERS, E.G., DAMAGE TO THEIR EARNING POWER FROM INJURIES SUFFERED.

6. WE HAVE ABSOLUTELY NO RPT NO GROUNDS FOR EXPECTING GRZ WILL IMPROVE ITS OFFER OF 10,000 DOLLARS. IN FACT, SUBSTANCE AND COURSE OF SECOND MEETING WOULD SUGGEST OTHERWISE. BUT READING BETWEEN SPOKEN LINES, WE SUSPECT GRZ COULD ENTERTAIN HIGHER FIGURE IF CROTHERS ABLE PRODUCE SUBSTANTIATED, PERSUASIVE CLAIM, E.G., BY BOARD OR PANEL OF RECOGNIZED MEDICAL AUTHORITIES AS TO INCAPACITY, INJURY OR OTHER SERIOUS EVIDENCE. IN ANY EVENT, IT SEEMS UNLIKELY IN EMBASSY VIEW, EXCEPT UNDER UNUSUAL CIRCUMSTANCES, THAT ANY IMPROVEMENT WOULD TAKE OFFER MUCH BEYOND 15,000 DOLLARS.  
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